

1 AN ACT concerning private security.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Private Detective, Private Alarm, Private
5 Security, and Locksmith Act of 1993 is amended by changing
6 Sections 80 and 185 as follows:

7 (225 ILCS 446/80)

8 Sec. 80. Employee requirements. All employees of a
9 licensed agency, other than those exempted, shall apply for a
10 Permanent Employee Registration Card. The holder of an
11 agency certificate issued under this Act, known in this Act
12 as "employer", may employ in the conduct of his or her
13 business employees under the following provisions:

14 (a) No person shall be issued a permanent employee
15 registration card who:

16 (1) Is under 18 years of age.

17 (2) Is under 21 years of age if the services will
18 include being armed.

19 (3) Has been determined by the Department to be
20 unfit by reason of conviction of an offense in this or
21 another state, other than a minor traffic offense. The
22 Department shall promulgate rules for procedures by which
23 those circumstances shall be determined and that afford
24 the applicant due process of law.

25 (4) Has had a license or permanent employee
26 registration card refused, denied, suspended, or revoked
27 under this Act.

28 (5) Has been declared incompetent by any court of
29 competent jurisdiction by reason of mental disease or
30 defect and has not been restored.

31 (6) Has been dishonorably discharged from the armed

1 services of the United States.

2 (b) No person may be employed by a private detective
3 agency, private security contractor agency, or private alarm
4 contractor agency, or locksmith agency under this Section
5 until he or she has executed and furnished to the employer,
6 on forms furnished by the Department, a verified statement to
7 be known as "Employee's Statement" setting forth:

8 (1) The person's full name, age, and residence
9 address.

10 (2) The business or occupation engaged in for the 5
11 years immediately before the date of the execution of the
12 statement, the place where the business or occupation was
13 engaged in, and the names of employers, if any.

14 (3) That the person has not had a license or
15 employee registration refused, revoked, or suspended
16 under this Act.

17 (4) Any conviction of a felony or misdemeanor.

18 (5) Any declaration of incompetency by a court of
19 competent jurisdiction that has not been restored.

20 (6) Any dishonorable discharge from the armed
21 services of the United States.

22 (7) Any other information as may be required by any
23 rule of the Department to show the good character,
24 competency, and integrity of the person executing the
25 statement.

26 (c) Each applicant for a permanent employee
27 registration card shall have his or her fingerprints
28 submitted to the Illinois State Police by a vendor designated
29 by the Department in an electronic format that complies with
30 the Illinois State Police Electronic Fingerprint Submission
31 Specification. These fingerprints shall be checked against
32 the Illinois State Police and Federal Bureau of Investigation
33 criminal history record databases. The resulting data shall
34 be submitted to the Department of Professional Regulation.

1 The Department may require applicants to pay a separate
2 fingerprinting fee, either to the Department or directly to
3 the vendor, in accordance with the agreement between the
4 Department and the designated vendor.

5 The Department, in its discretion, may allow an applicant
6 who does not have reasonable access to a designated vendor to
7 provide his or her fingerprints in an alternative manner.

8 The Department, in its discretion, may also use other
9 procedures in performing or obtaining criminal background
10 checks of applicants.

11 The Department of State Police shall notify the
12 Department of any changes in the Illinois State Police
13 Electronic Fingerprint Submission Specification.

14 ~~Each applicant for a permanent employee registration card~~
15 ~~shall submit to the Department with the applicable fees, on~~
16 ~~fingerprint cards furnished by the Department, 2 complete~~
17 ~~sets of fingerprints that are verified to be those of the~~
18 ~~applicant. If an applicant's fingerprint cards are returned~~
19 ~~to the Department as unclassifiable by the screening agency,~~
20 ~~the applicant has 90 days after notification is sent by the~~
21 ~~Department to submit additional fingerprint cards taken by a~~
22 ~~different technician to replace the unclassifiable~~
23 ~~fingerprint cards.~~

24 ~~The Department shall notify the submitting licensed~~
25 ~~agency within 10 days if the applicant's fingerprint cards~~
26 ~~are returned to the Department as unclassifiable. However,~~
27 ~~instead of submitting fingerprint cards, An individual may~~
28 ~~submit proof that is satisfactory to the Department that an~~
29 ~~equivalent security clearance has been conducted. Also, a~~
30 ~~full-time peace officer or an individual who has retired as a~~
31 ~~peace officer within 12 months of application may submit~~
32 ~~verification, on forms provided by the Department and signed~~
33 ~~by one's employer, of his or her full-time employment as a~~
34 ~~peace officer. "Peace officer" means any person who by~~

1 virtue of his or her office or public employment is vested by
2 law with a duty to maintain public order or to make arrests
3 for offenses, whether that duty extends to all offenses or is
4 limited to specific offenses; officers, agents, or employees
5 of the federal government commissioned by federal statute to
6 make arrests for violations of federal criminal laws are
7 considered peace officers.

8 (d) ~~Upon receipt of the verified fingerprint cards, the~~
9 ~~Department shall cause the fingerprints to be compared with~~
10 ~~fingerprints of criminals now or hereafter filed with the~~
11 ~~Illinois Department of State Police. The Department may also~~
12 ~~cause the fingerprints to be checked against the fingerprints~~
13 ~~of criminals now or hereafter filed in the records of other~~
14 ~~official fingerprint files within or without this State. The~~
15 Department shall issue a permanent employee registration
16 card, in a form the Department prescribes, to all qualified
17 applicants. The Department shall notify the submitting
18 licensed agency within 10 days upon the issuance of or intent
19 to deny the permanent employee registration card. The holder
20 of a permanent employee registration card shall carry the
21 card at all times while actually engaged in the performance
22 of the duties of his or her employment. Expiration and
23 requirements for renewal of permanent employee registration
24 cards shall be established by rule of the Department.
25 Possession of a permanent employee registration card does not
26 in any way imply that the holder of the card is employed by
27 an agency unless the permanent employee registration card is
28 accompanied by the employee identification card required by
29 subsection (g) of this Section.

30 (e) Within 5 days of the receipt of the application
31 materials, the Department shall institute an investigation
32 for a criminal record by checking the applicant's name with
33 immediately available criminal history information systems.

34 (f) Each employer shall maintain a record of each

1 employee that is accessible to the duly authorized
2 representatives of the Department. The record shall contain
3 the following information:

4 (1) A photograph taken within 10 days of the date
5 that the employee begins employment with the employer.
6 The photograph shall be replaced with a current
7 photograph every 3 calendar years.

8 (2) The employee's statement specified in
9 subsection (b) of this Section.

10 (3) All correspondence or documents relating to the
11 character and integrity of the employee received by the
12 employer from any official source or law enforcement
13 agency.

14 (4) In the case of former employees, the employee
15 identification card of that person issued under
16 subsection (g) of this Section.

17 Each employee record shall duly note if the employee is
18 employed in an armed capacity. Armed employee files shall
19 contain a copy of an active Firearm Owners Identification
20 Card and a copy of an active Firearm Authorization Card.

21 Each employer shall maintain a record for each armed
22 employee of each instance in which the employee's weapon was
23 discharged during the course of his or her professional
24 duties or activities. The record shall be maintained on
25 forms provided by the Department, a copy of which must be
26 filed with the Department within 15 days of an instance. The
27 record shall include the date and time of the occurrence, the
28 circumstances involved in the occurrence, and any other
29 information as the Department may require. Failure to
30 provide this information to the Department or failure to
31 maintain the record as a part of each armed employee's
32 permanent file is grounds for disciplinary action. The
33 Department, upon receipt of a report, shall have the
34 authority to make any investigation it considers appropriate

1 into any occurrence in which an employee's weapon was
2 discharged and to take disciplinary action as may be
3 appropriate.

4 The Department may, by rule, prescribe further record
5 requirements.

6 (g) Every employer shall furnish an employee
7 identification card to each of his or her employees. This
8 employee identification card shall contain a recent
9 photograph of the employee, the employee's name, the name and
10 agency certification number of the employer, the employee's
11 personal description, the signature of the employer, the
12 signature of that employee, the date of issuance, and an
13 employee identification card number.

14 (h) No employer may issue an employee identification
15 card to any person who is not employed by the employer in
16 accordance with this Section or falsely state or represent
17 that a person is or has been in his or her employ. It is
18 unlawful for an applicant for registered employment to file
19 with the Department the fingerprints of a person other than
20 himself or herself, or to fail to exercise due diligence in
21 resubmitting replacement fingerprints for those employees who
22 have had original fingerprint submissions returned as
23 unclassifiable.

24 (i) Every employer shall obtain the identification card
25 of every employee who terminates employment with him or her.

26 (j) Every employer shall maintain a separate roster of
27 the names of all employees currently working in an armed
28 capacity and submit the roster to the Department on request.

29 (k) No agency may employ any person under this Act
30 unless:

31 (1) The person possesses a valid permanent employee
32 registration card or the person has a valid license under
33 this Act; or

34 (2) The agency:

1 (i) on behalf of each person completes in its
2 entirety and submits to the Department an
3 application for a permanent employee registration
4 card, including the required fingerprint card and
5 fees;

6 (ii) exercises due diligence to ensure that
7 the person is qualified under the requirements of
8 the Act to be issued a permanent employee
9 registration card; and

10 (iii) maintains a separate roster of the names
11 of all employees whose applications are currently
12 pending with the Department and submits the roster
13 to the Department on a monthly basis. Rosters are
14 to be maintained by the agency for a period of at
15 least 24 months.

16 (l) Failure by an agency to submit the application,
17 fees, and fingerprints specified in this Section before
18 scheduling the person for work shall result in a fine, in an
19 amount up to \$1,000, or other disciplinary action being
20 imposed against the agency. Failure to maintain and submit
21 the specified rosters is grounds for discipline under this
22 Act.

23 (m) No person may be employed under this Section in any
24 capacity if:

25 (i) The person while so employed is being paid by
26 the United States or any political subdivision for the
27 time so employed in addition to any payments he or she
28 may receive from the employer.

29 (ii) The person wears any portion of his or her
30 official uniform, emblem of authority, or equipment while
31 so employed except as provided in Section 30.

32 (n) If information is discovered affecting the
33 registration of a person whose fingerprints were submitted
34 under this Section, the Department shall so notify the agency

1 that submitted the fingerprints on behalf of that person.
2 (Source: P.A. 91-357, eff. 7-29-99; 91-815, eff. 6-13-00.)

3 (225 ILCS 446/185)

4 Sec. 185. Firearm authorization; training courses.

5 (a) No person shall perform duties that include the use,
6 carrying, or possession of a firearm in the performance of
7 those duties without fully complying with this Section and
8 having been issued a valid firearm authorization card by the
9 Department. This Act permits only the following to carry
10 firearms while actually engaged in the performance of their
11 duties or while commuting directly to or from their places of
12 employment: persons licensed as private alarm contractors;
13 persons licensed as private detectives; persons licensed as
14 private security contractors; registered employees of a
15 licensed private detective agency, a licensed private alarm
16 contractor agency, or a licensed private security contractor
17 agency; and qualified personnel of registered proprietary
18 security forces and~~---their---registered---employees;---and~~
19 ~~registered---armed--proprietary--security--forces--and--their~~
20 ~~registered-employees.~~

21 (b) No employer shall employ any person to perform the
22 duties for which employee registration is required under
23 Section 80 and allow that person to carry a firearm in the
24 performance of those duties unless that person has fully
25 complied with the firearm training requirements specified in
26 this Section and has been issued a valid firearm
27 authorization card by the Department.

28 Actual possession of a valid firearm authorization card
29 allows an employee to carry a firearm not otherwise
30 prohibited by law, while the employee is actually engaged in
31 the performance of his or her duties or while the employee is
32 commuting directly to or from the employee's place or places
33 of employment, provided that this commuting is accomplished

1 within one hour from departure from home or a place of
2 employment.

3 (c) The Department shall evaluate and either approve or
4 disapprove training programs for the basic firearm training
5 course. The determination by the Department shall be
6 reasonably made.

7 The firearm training course shall be taught by an
8 instructor qualified to give the instruction. Reasonable
9 qualifications shall be determined by the Department.

10 The firearm training course may be conducted by agencies
11 or institutions approved by the Department or may be
12 conducted by a licensee or any agency certified by this Act
13 so long as the course is approved by the Department. The
14 firearm course shall consist of the following:

15 (1) A minimum of 40 hours of training, 20 of which
16 shall be as described in Section 180, and 20 of which
17 shall be as follows:

18 (i) instruction in the dangers of and misuse
19 of the firearm, safety rules, and care and cleaning
20 of the firearm;

21 (ii) practice firing on a range with live
22 ammunition;

23 (iii) instruction in the legal use of firearms
24 under the provisions of the Criminal Code of 1961,
25 and relevant court decisions;

26 (iv) a forceful presentation of the ethical
27 and moral consideration assumed by any person who
28 uses a firearm;

29 (v) a review of the current law regarding
30 arrest, search, and seizure; and

31 (vi) liability for acts.

32 (2) An examination shall be given at the completion
33 of the course. The examination shall be in 2 parts which
34 shall consist of a firearms qualification course and a

1 written examination, which shall be approved by the
2 Department. Successful completion shall be determined by
3 the Department.

4 (d) The firearm training requirement shall be waived for
5 an employee who has completed training provided by the
6 Illinois Law Enforcement Training Standards Board, or the
7 equivalent public body in another state, provided supporting
8 documentation showing requalification with the weapon on the
9 firing range is submitted to the Department; or for an
10 employee who is also employed as a law enforcement officer as
11 defined in the Illinois Police Training Act.

12 (e) The Department shall issue a firearm authorization
13 card to a person who has passed an approved basic firearm
14 training course, who is currently employed by an agency
15 certified under this Act, who is authorized under subsection
16 (a) of this Section, who has met all the requirements of the
17 Act, and who possesses a valid Firearm Owner Identification
18 Card. Application for the card shall be made by the employer
19 to the Department on forms provided by the Department. The
20 Department shall forward this card to the employer who shall
21 be responsible for its issuance. The firearm authorization
22 card shall be issued by the Department in the form of a
23 pocket card designed by the Department and shall identify the
24 person holding the card and the name of the course where the
25 employee received firearm instruction; the card shall specify
26 the type of weapon or weapons that the person is authorized
27 by the Department to carry and for which the person has been
28 trained.

29 (f) Expiration and requirements for renewal of firearm
30 authorization cards shall be established by rule of the
31 Department.

32 (g) The Department may, in addition to any other
33 discipline allowed under this Act, refuse to issue, suspend,
34 or revoke a firearm authorization card if the applicant or

1 holder has been convicted of any felony or any crime
2 involving the illegal use, carrying, or possession of a
3 deadly weapon, or for violation of this Act or rules
4 promulgated under this Act. The procedures in this Act for
5 disciplining a licensee shall be followed in taking action
6 under this paragraph.

7 The Department shall refuse to issue or shall revoke a
8 Firearm Authorization Card if the applicant or holder fails
9 to hold a valid Firearm Owners Identification Card.

10 The Director shall summarily suspend a firearm
11 authorization card if the Director finds that continued use
12 of the card would constitute an immediate danger to the
13 public health, safety, or welfare. A prompt hearing on the
14 charges shall be held before the Board if the Director
15 summarily suspends a Firearm Authorization Card.

16 (Source: P.A. 88-363; 88-586, eff. 8-12-94; 89-694, eff.
17 12-31-96.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.